

RANDY JEMERSON 12/19/2018

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1 IN THE UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MISSOURI
3 EASTERN DIVISION
4
5
6 MALEEHA AHMAD, et al.,)
7 Plaintiffs,)
8 vs.) Cause No.
9 CITY OF ST. LOUIS, MISSOURI,) 4:17-cv-2455-CDP
10 Defendant.)
11
12
13
14

15 DEPOSITION OF RANDY JEMERSON
16 Taken on behalf of the Plaintiff
17 December 19th, 2018
18

19 Jamie Jo Kinder, CCR 842, CSR 084.003306
20
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24
25

Exhibit O

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7 CITY OF ST. LOUIS, MISSOURI,) 4:17-cv-2455-CDP
8 Defendant.)
9

10 DEPOSITION OF WITNESS, RANDY JEMERSON,
11 produced, sworn, and examined on the 19th day of December,
12 2018, between the hours of 9:44 o'clock in the forenoon and
13 11:30 o'clock in the forenoon of that day, at St. Louis
14 City Hall, 1200 Market, Room 314, St. Louis, MO, before
15 Jamie Jo Kinder, Missouri CCR 842, Illinois CSR 084-00306,
16 a Certified Court Reporter within and for the State of
17 Missouri, in a certain cause now pending before the United
18 States District Court, Eastern District of Missouri,
19 Eastern Division, wherein MALEEHA AHMAD, et al., are the
20 Plaintiffs, and CITY OF ST. LOUIS, MISSOURI is the
21 Defendant.
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1 (Deposition commenced at 9:44 a.m.)

2 IT IS HEREBY STIPULATED AND AGREED, by and between
3 counsel for Plaintiffs and counsel for Defendant, that the
4 deposition of RANDY JEMERSON may be taken in shorthand by
5 Jamie Jo Kinder, CCR, CSR, a notary public and shorthand
6 reporter, and afterwards transcribed into typewriting; and
7 the signature of the witness is expressly reserved.

8 * * * * *

9 RANDY JEMERSON,
10 of lawful age, being produced, sworn and examined on
11 behalf of the Plaintiffs, deposes and says:

12 EXAMINATION

13 QUESTIONS BY MR. ROTHERT:

14 Q Could you state your name for the record,
15 please?

16 A Lieutenant Randy Jemerson.

17 Q And your last name is J-E-M-E-R-S-O-N?

18 A Correct.

19 Q Is that correct? Do you have a middle
20 initial?

21 A E.

22 Q My name is Tony Rothert. We met when you came
23 in. I am one of the attorneys representing the plaintiffs
24 in this case. Have you been deposed previously?

25 A I believe I have, yes.

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1 Q Do you have an estimate of how many times you
2 have been deposed?

3 A Maybe once or twice.

4 Q You are not a defendant in this case, but have
5 you ever been a defendant? Have you been sued before?

6 A Outside of these things surrounding the
7 protests, no.

8 Q So you have been sued a lot of times recently
9 regarding -- in 2018 regarding protests?

10 A Correct.

11 Q Have you had any lawsuits in your personal
12 capacity where you have been sued?

13 A No.

14 Q Have you been deposed in any of those cases
15 where you were the defendant?

16 A No.

17 Q I'm not going to belabor this because you have
18 been deposed before, but just as a couple of rules, will
19 you please answer verbally so the court reporter can write
20 down your answer?

21 A Yes. I'm sorry.

22 Q Exactly like that, yes. If you don't
23 understand a question, will you please say so? Sometimes I
24 get a little convoluted and could ask a question that seems
25 confusing. Will you agree to say so if you don't

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1 understand a question?

2 A Yes.

3 Q You can take a break at any time. I hope this
4 won't be such a long deposition that we're going to have
5 any or more than one break, but I would ask you to answer
6 whatever question's out there before you ask for a break.
7 Okay?

8 A Yes.

9 Q Have you taken any medications, drugs,
10 alcohol, anything today that would affect your ability to
11 testify at today's deposition?

12 A No.

13 Q Do you have any -- any health conditions that
14 would affect your ability to remember things or testify
15 truthfully?

16 A No.

17 Q Did you do anything to prepare for today's
18 deposition?

19 A Just a meeting, just kind of go over the facts
20 of the case.

21 Q And who was in that meeting?

22 A Mr. Dierker, and I always forget her name.

23 MR. DIERKER: Abby Duncan.

24 Q (By Mr. Rothert) Both attorneys; correct?

25 A Yes.

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1 Q Anything else you did to prepare?

2 A No.

3 Q What -- I'm not asking for exactly where you
4 live, but what city do you live in?

5 A St. Charles.

6 Q And how old are you?

7 A 43.

8 Q Where did you graduate from high school?

9 A Rosary High School, which is now called
10 Trinity High School.

11 Q Did you attend the police academy in St.
12 Louis?

13 A Yes.

14 Q When was that?

15 A 1997.

16 Q Did you graduate the first time?

17 A Yes.

18 Q Other than the police academy, have you had
19 any education beyond high school?

20 A Yes. I have a master's from the University of
21 Phoenix in administration of justice and security.

22 Q When did you receive your master's from the
23 University of Phoenix?

24 A 2010.

25 Q Besides your master's from the University of

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1 **Phoenix and the police academy, do you have any other**
2 **education after high school?**

3 A I have a certificate from SLU in -- it's a
4 rather long title. What is the title now that I'm thinking
5 about it? It's for leadership and organizational change, I
6 believe is what it is, and outside of that would just be
7 any training I received in the military, leadership
8 training.

9 Q **Chief Hayden also has that certificate, I**
10 **believe.**

11 A Uh-huh (yes).

12 Q **I have heard that before. So other than the**
13 **police academy, the master's at the University of Phoenix**
14 **and the certificate from SLU, there are no other formal**
15 **education post high school?**

16 A No. Like I said, other than training I
17 received in the military, leadership schools. That's it.

18 Q **Which branch did you serve in in the military?**

19 A Army Reserves. I'm still in.

20 Q **When did you join?**

21 A 1994.

22 Q **Did you receive in the military any medical**
23 **training?**

24 A Basic -- Actually it would be considered --
25 now the term used is combat casualty care. It's just a

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1 combat level training, nothing overly thorough.

2 Q I was asking about in the military there.

3 Outside the military, have you received any medical
4 training?

5 A I took a Department of Homeland Security
6 tactical combat casualty care instructor course.

7 Q Do you know what year that would have been?

8 A I want to say 2016, I believe.

9 Q Other than the basic combat casualty training
10 in the military and the DHS program in 2016, have you
11 received any other medical training?

12 A No.

13 Q Have you ever worked as a correctional
14 officer?

15 A No.

16 Q Have you received any training, correctional
17 training?

18 A No.

19 Q Do you have a driver's license?

20 A Yes.

21 Q Do you have any specialized training in
22 driving, commercial driving?

23 A In the past I was a heavy motor vehicle driver
24 for the Army, which would be considered a CDL on the
25 civilian side.

1 Q When's the last time you were doing CDL type
2 driving?

3 A Probably 2005.

4 Q Have you ever been convicted of any crime?

5 A Never.

6 Q Have you ever been arrested?

7 A No.

8 Q Who is your current employer?

9 A St. Louis Metropolitan Police Department.

10 Q What is your position within the St. Louis
11 Metropolitan Police Department?

12 A I'm the commander of SWAT, Canine and Aviation
13 and also over the Civil Disobedience Team.

14 Q You mentioned that you're the commander of
15 SWAT, Canine, Aviation and the Civil Disobedience Team. Is
16 that one job always for one person or does that happen to
17 be -- Is it always the same person that is in charge of all
18 four of those things or you just happen to be --

19 A No, it's been like that. I mean, there has
20 been -- Yes. I mean, on paper it's over all four of those
21 units.

22 Q So when did you become Commander of SWAT,
23 Canine, Aviation and Civil Disobedience?

24 A February of this year.

25 Q Congratulations.

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1 A Thank you.

2 Q I'm assuming that was a promotion?

3 A I got promoted to lieutenant and the next day
4 I was put over these.

5 Q Prior to February of 2018, what was your
6 position with the St. Louis Metropolitan Police Department?

7 A I was a sergeant assigned to -- I was actually
8 assigned to the academy, but I was detached to the Bureau
9 of Enforcement, and myself and a counterpart were charged
10 with conducting like the tactical training on the
11 department and coordinating and training the Civil
12 Disobedience Team.

13 Q And who was that counterpart?

14 A Sergeant Rossomanno.

15 Q Is that Brian Rossomanno?

16 A Yes.

17 Q Can you enlighten me on what the Bureau of
18 Enforcement does?

19 A At the time, I think it's already changed
20 again, but basically we are over patrol, all the aspects of
21 patrol, over the department.

22 Q And how long were you a sergeant?

23 A Sergeant total?

24 Q Total number of years.

25 A 2008 to until 10 years, 2008 to 2018.

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1 Q And were you assigned to the academy and the
2 Bureau of Enforcement the entire time that you were a
3 sergeant?

4 A No.

5 Q What was your assignment prior to being or the
6 post immediately prior to being assigned to the academy and
7 the bureau?

8 A I was sergeant and -- patrol in District 6.
9 Prior to that district -- I'm not sure. It was the point
10 where they reduced the number of districts. I was District
11 5, which was District 8, and they changed somewhere midway
12 I think right when they changed. So I was in District 8
13 before that and then I was deployed and then I was District
14 1 prior to that.

15 Q What color shirt are you wearing today?

16 A White.

17 Q Are you wearing a white shirt because you're a
18 lieutenant?

19 A Yes.

20 Q Do sergeants wear --

21 A Blue.

22 Q -- different colored shirts?

23 A Yes, blue.

24 Q Prior to 2008 when you became a sergeant, what
25 was your title or rank?

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1 A Police officer.

2 Q Police officer. Is police officer the initial
3 title people are given when they join the St. Louis
4 Metropolitan Police Department?

5 A It's thought out as a civil recruit and
6 training. Once they graduate they are a probationary
7 police officer and after a year they are a police officer.

8 Q So has it been roughly since 1998 to 2008 that
9 you were a police officer?

10 A Yes.

11 Q And before that you would have been
12 probationary?

13 A Probationary, right.

14 Q Have you ever worked at any other police
15 department other than the St. Louis Metropolitan Police
16 Department?

17 A No.

18 Q Now that you're a lieutenant rather than a
19 sergeant, does that change in any way the training you
20 receive or did you get more training when you became a
21 lieutenant?

22 A No. No. There wasn't like any specific type
23 of leadership training or anything. No.

24 Q Do you receive any annual in-service training?

25 A Yes.

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1 Q Do you know how many hours that is?

2 A Not to give you an exact number.

3 Q Do you receive any additional training beyond
4 your annual in-service training?

5 A I generally throughout the years attend my --
6 any other training on my own, whether it's offered by our
7 department or outside agencies.

8 Q Does the St. Louis Metropolitan Police
9 Department have any written policies or guidelines?

10 A Yes.

11 Q How frequently?

12 MR. DIERKER: You should have a complete
13 collection by now.

14 Q (By Mr. Rothert) Probably. How frequently do
15 you review those?

16 A Oh, the ones that deal directly with my units
17 or anything under my command, I would say pretty
18 frequently, and then obviously the ones that are through
19 our PAS system where every month there is a review of
20 certain special orders, so I kind of infrequently with the
21 ones outside with the ones that deal directly with me, but
22 pretty directly with the ones that I have hands in.

23 Q The policies that you deal with that deal with
24 your department, are they located, or I'm sorry, with your
25 duties, are they located all in one place or how do you

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1 access them when you're reviewing them?

2 A They are on our department intranet.

3 Q Do all police officers and sergeants and
4 lieutenants on upward have access to that intranet or just
5 certain ranks?

6 A They all do.

7 Q You made reference to the PAS systems. Can
8 you tell me what that is?

9 A Basically it's a system every month you're
10 advised that you have some -- I forgot how it's worded,
11 where you have to go in and you have to do a monthly use of
12 force, pursuit policy. You got to review those and there
13 are brief quizzes for those, and then there are other
14 random policies and procedures that you have to review and
15 sign off on saying that you acknowledge those policies.

16 Q Do you recall filing or filling out a
17 declaration in this case that we're here on today?

18 A Yes.

19 (Deposition Exhibit No. 1 marked for
20 identification.)

21 Q (By Mr. Rothert) I'm now handing you what has
22 been marked for this deposition as Exhibit 1, and it has
23 today's date, December 19th, in the corner of the sticker,
24 and I have provided a copy to counsel. Do you recognize
25 that --

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1 A Yes.

2 Q -- document? And is this the declaration that
3 you signed in this case?

4 A Yes.

5 Q And if you would turn to the third page. Is
6 that your signature there?

7 A Yes.

8 Q Do you know about whether there were any
9 orders that affect the police department that were entered
10 in this case that affect what the police department can or
11 can't do?

12 A In terms of our policies and procedures you
13 mean?

14 Q Yes.

15 A I guess I'm not understanding what you mean.
16 Like prior to this are there orders that affect this you
17 mean?

18 Q No. In this case, as a result of the hearing
19 that you filed a declaration in, do you know if the court
20 entered any orders directing the police department to do or
21 not do anything?

22 A There was an injunction that -- I'm trying to
23 think off the top of my head what exactly all it covered.
24 But basically the injunction limited or addressed the use
25 of chemical munition and whether or not orders -- we can

1 give surrounding orders to disperse for unlawful -- What's
2 the phrase? Unlawful assembly. There we go.

3 Q We all wanted to help.

4 A I know.

5 Q But we knew you would get there.

6 A I knew I would get there.

7 Q Is that injunction or anything about it ever
8 been one of the things that has been put through on the PAS
9 system?

10 A I don't believe so as of yet. I'm not a
11 hundred percent sure, but I don't think that I have come
12 across that yet.

13 Q Is there something in your experience as a
14 police officer all these years with the St. Louis
15 Metropolitan Police Department called a charge code?

16 A Yes.

17 Q What is a charge code?

18 A Just whatever the law is, there is an assigned
19 number that goes along with that charge. It's just like
20 used during booking.

21 Q And when you need to know the charge code for
22 something, do you have those all -- do you have those all
23 memorized?

24 A No.

25 Q So how would you find out what the charge code

1 **is?**

2 A Those are also on the intranet, and then they
3 are posted throughout the station and in the booking areas.

4 **Q Is this -- Excuse my ignorance. Is this --**
5 **Are there dozens of charge codes or hundreds or thousands,**
6 **do you know?**

7 A Hundreds, I would assume, if not more.

8 **Q I know there are a lot of ordinances.**

9 A Yes. Yes. Yeah. I couldn't even begin to
10 tell you the number of them.

11 **Q Hundreds seems right. Okay. Is there a book**
12 **somewhere that has charge codes in it?**

13 A There also are books broken down into traffic,
14 non traffic. There is the state book for the state level
15 charges.

16 **Q As a lieutenant, what equipment is issued to**
17 **you by the St. Louis Metropolitan Police Department?**

18 A Just the basic duty uniform equipment.

19 **Q So what does the basic duty uniform equipment**
20 **consist of?**

21 A Your weapon, duty belt, pants, shirt, any rank
22 or nameplates.

23 **Q Anything else?**

24 A I'm sure there is something that I'm missing,
25 but I can't think of anything off the top of my head right

1 now.

2 Q Is this the same equipment as a lieutenant
3 that you had as a sergeant?

4 A Yes.

5 Q Nothing additional as a lieutenant, other than
6 it says lieutenant, it's a different color?

7 A Just a different badge and nameplate, you
8 know. It's just different.

9 Q The color of the shirt is different?

10 A The color of the shirt is different, yeah.
11 No, I can't think of anything else really outside of that.

12 Q Are you issued a radio of some kind or
13 communication device?

14 A Yes. Yes.

15 Q What about a Taser?

16 A Lieutenants generally don't have Tasers.
17 Officers and sergeants do.

18 Q What about pepper spray?

19 A Yes, you're given that at every rank.

20 Q Are you issued as a lieutenant in your current
21 position tactical gear?

22 A Yes.

23 Q And as a sergeant, were you also issued
24 tactical gear?

25 A In my previous position, yes.

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1 Q The most recent position?

2 A Right. It's not something that all sergeants
3 are given.

4 Q Okay. But when you were assigned to the
5 academy and the Bureau of Enforcement, you did have
6 tactical gear then?

7 A Yes.

8 Q But when you were assigned to different
9 divisions, you would not have had it?

10 A I would have had the gear required for the
11 Civil Disobedience Team. I don't know if that falls under
12 tactical gear or not. But no additional tactical gear
13 other than the Civil Disobedience Team gear prior to my
14 last position.

15 Q Okay. What is tactical gear?

16 A I would classify it as being plate carrier,
17 ballistic that carries the plate to stop rifle rounds,
18 helmet, what would be considered a BDU or combat shirt,
19 weapon, rifle.

20 Q Anything else?

21 A I mean, I could -- There is numerous other
22 things I could probably rattle off. But I mean that would
23 be the basic tactical gear that someone would be issued,
24 say, if they were on SWAT.

25 Q And you mentioned CDT gear. Let me go

1 **backwards for a minute. CDT stands for?**

2 A Civil Disobedience Team.

3 **Q What is the Civil Disobedience Team?**

4 A Basically a team that is designed to address
5 any type of protest or riot situation. They are issued the
6 basic gear of helmet, shin guards, load-bearing vest and
7 gas mask pouch, and then everybody, every officer already
8 has a mask, gas mask anyway.

9 **Q So gas mask would be standard-issued**
10 **equipment?**

11 A Standard-issued across the board, yeah.

12 **Q How many other lieutenants are there in the**
13 **St. Louis Metropolitan Police Department?**

14 A I'm not sure.

15 **Q And then do you have any idea how many**
16 **sergeants there are?**

17 A No.

18 **Q Would one up be -- If you were promoted again,**
19 **would it be captain?**

20 A Yes.

21 **Q Do you know how many captains there are?**

22 A I do not. There is a captain over each
23 district. So I know there are six of them, but there are
24 other captain positions throughout the department.

25 **Q And above that would be major?**

1 A Yes.

2 Q And do you know how many majors there are?

3 A I'm not a hundred percent sure.

4 Q How many officers belong to the Civil
5 Disobedience Team?

6 A There are, I would say, rough amount, I would
7 say 300. That is definitely not accurate because we train
8 every academy class that comes out, but they are not
9 officially utilized until they are actually issued gear and
10 everything. So we have several officers that have been
11 through the training, but have not been issued gear. So
12 they have had training, but they wouldn't be utilized if
13 something were to happen today. So the numbers kind of --
14 there is not a lock-in number.

15 Q But even today there would be hundreds? I
16 mean, if you were calling up today and say let's get out
17 the Civil Disobedience Team, you could have hundreds?

18 A I would say at least probably 300, yeah.

19 Q Now, the officers assigned to the Civil
20 Disobedience Team have other jobs; correct?

21 A Yes.

22 Q So is every officer potentially a member of
23 the Civil Disobedience Team or are they selected somehow?

24 A Not as of yet. So like I said, now we're at a
25 point where everybody receives -- out of the academy

1 receives the basic Civil Disobedience Team training, but
2 there are numerous officers that have not been through that
3 training, they might have gone through a familiarization of
4 it. This was probably a couple of years ago I think I
5 taught in continuing education where everybody kind of went
6 through some basic one day mix of classroom and practical
7 of it, but not everybody is on -- not everybody has had the
8 full training, not everybody is issued gear. So they might
9 just have like a basic knowledge of it.

10 **Q So if you were calling up -- If today we were**
11 **calling up the Civil Disobedience Team, who would decide**
12 **who is on it for today?**

13 A They are identified on all of the duty
14 rosters. It's identified who are Civil Disobedience Team
15 officers, so it would be -- they would look at anybody who
16 is on duty for the day that is noted as a Civil
17 Disobedience Team officer.

18 **Q That Civil Disobedience Team training**
19 **happened -- you mentioned some of it happens in the**
20 **academy; is that correct?**

21 A Uh-huh (yes).

22 **Q Is there any Civil Disobedience Team training**
23 **after the academy?**

24 A Yes. Usually at least once a year or if we
25 know there is an event, a large event that is coming up

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1 that is going to require to use the team on a detail, we
2 will do training, but we try to do like just a basic
3 refresher training for everyone once a year.

4 Q Do you know is it -- the training done all at
5 once for everyone?

6 A Over the course of a few days, we try to
7 capture everyone that is assigned the team.

8 Q Do you know when the last one was?

9 A I would say probably in the summer of 2017.

10 Q Well, I think I know the answer to my next
11 question. So the preliminary -- the injunction that was
12 entered in this case would not have been discussed at the
13 last Civil Disobedience Team training?

14 A Correct.

15 Q Because it hadn't come out yet?

16 A Right.

17 Q Do you know -- Have you ever heard or does it
18 mean anything in the parlance of the St. Louis Metropolitan
19 Police Department to have a Documentation Team?

20 A Yes.

21 Q What's the Documentation Team?

22 A So at any time when we know that the team is
23 going to be deployed or just in any known protest situation
24 we try to have a team out there, usually the area
25 detectives depending on which area the protest is in just

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1 to -- it's kind of a combination of people that are just
2 taking notes and either video taping or photographing
3 things that are going on during that incident. So if
4 arrests are being made, they are documenting those arrests.
5 Any use of force incidents that can be captured, they are
6 documenting those, and ultimately there will be someone --
7 in the group will be someone that does the overall
8 preparation, collection of everything for the overall
9 report.

10 Q And is the Documentation Team, is it always
11 the same group of people who are on the Documentation Team
12 or does it vary?

13 A No, it varies.

14 Q Based on your many years experience with the
15 St. Louis Metropolitan Police Department as police officer
16 and as these higher ranks, what's your understanding of
17 when you or another police officer can order someone to
18 leave a sidewalk?

19 A It would be -- I guess it would be determined
20 on what incident is occurring there. I mean, if it's any
21 scene like, say, if it's a homicide scene or shooting
22 scene, something like that, and the areas need to be
23 cordoned off then we would -- that's when we would have
24 someone leave the sidewalk. If in a protest situation, if
25 it was deemed that we needed that entire area cleared, then

1 that would also include the sidewalk, you know, or just
2 clearing that complete area out, disperse any crowd that is
3 in that area.

4 **Q Other than cordoning the area of the scene of**
5 **a crime and if you deem in a protest that an entire area**
6 **needs to be cleared, are there any other circumstances in**
7 **which in your experience police officers would be able to**
8 **order people to leave the sidewalk?**

9 A Like I said, I mean, it would depend on the
10 situation, on what the call is. If we're talking about
11 normal patrol, again I mean, that would vary. It would
12 even depend on what the situation is and what if it's just
13 a reasonable order again an officer is given depending on
14 what that situation is. So it's kind of hard to really
15 give a set answer for that.

16 **Q How would you -- How would an officer know if**
17 **an order to leave a sidewalk is reasonable or not?**

18 A Again, I mean, it kind of varies depending
19 upon what context we're talking about here. Like I said,
20 depending on what type of call it is, if they are advising
21 someone that they need to go back inside their residence or
22 back inside their property, is it a disturbance between the
23 neighbors or something like that. It would really depend
24 on the type of situation they are dealing with.

25 **Q Okay. I want to direct your attention to**

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1 September and October of 2017 when there was -- There were
2 some protests in response to a verdict in a case involving
3 a Mr. Jason Stockley; is that correct? Jason; is that
4 right?

5 A I believe that's his first name.

6 MR. DIERKER: That's correct.

7 Q (By Mr. Rothert) I'm trying to remember. Do
8 you understand what period of time I'm talking about?

9 A Yes.

10 Q And at that time you were a sergeant?

11 A Correct.

12 Q When did you -- Were you aware prior to
13 September or October of 2017 about the case going on
14 against Officer Stockley?

15 A Yes.

16 Q Former Officer Stockley. When did you -- Did
17 you know that a verdict was going to be issued before it
18 happened?

19 A We knew the day and we had an understanding
20 that we were supposed to be notified a few hours prior to
21 it actually being released. That was not the case, but
22 that was the understanding, yes.

23 Q Did you -- Just personally did you expect that
24 there could be protests in response to the verdict?

25 A Yes.

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1 Q And did your -- Just based on things you heard
2 around, was that a generally expected thing by police
3 officers that there would be protests?

4 A Yes. If the verdict went they way it did, we
5 knew there would be some type of protests.

6 Q What did you base that on? I mean, you knew
7 it. What did you base that belief on?

8 A That was from working nothing but protests for
9 the last three years prior.

10 Q And when you talk about working protests,
11 nothing -- nothing but protests from the three years prior,
12 you're talking working on protests back to the fall of
13 2014?

14 A Yes.

15 Q How did you prepare for the protests that you
16 were predicting?

17 A So there was again, like I said, there was a
18 training of the team. There was obtaining more gear to
19 make sure that everybody on the team was outfitted
20 correctly. There were -- I couldn't give you an exact
21 number, but I know that there was definitely more than one
22 or two meetings to discuss -- command meetings to kind of
23 discuss how we would handle, what the deal would look like
24 and how we would handle any incidents that might come up.

25 Q You were talking about making sure that people

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1 **were outfitted correctly. Would that be different than**
2 **their normal police officer outfits or uniforms?**

3 A The Civil Disobedience Team gear that we
4 discussed earlier.

5 Q **How long has the Civil Disobedience Team been**
6 **called the Civil Disobedience Team?**

7 A Prior to -- Prior to 2002 at least. I'm not
8 sure how long much before then, but I think that was -- I
9 think that was around the time when I started when I was on
10 the team.

11 Q **And what does -- What's your understanding of**
12 **what civil disobedience is? What does it mean to you?**

13 A I mean, there is various levels, you know,
14 depending on what the incident is. I mean, obviously just
15 at its lowest level would just be dealing with any type
16 of -- of any type of protest, even if it's peaceful at that
17 point, and then just preparing for when it does go beyond
18 just being peaceful protests and people exercising their
19 rights. So when it gets to the point of agitators in the
20 crowd or actual physical altercations between citizens and
21 whatever police line that might be there to the point of
22 things being riotous, where they are damaging property and
23 people are being injured.

24 Q **Is it -- So for any protest a Civil**
25 **Disobedience Team could be deployed?**

1 A They could be, but they aren't. They
2 generally aren't. It really only depends on what
3 information we know prior to as to whether or not they
4 would be involved. On a regular basis they aren't, you
5 know. There are people that are on duty. They may have
6 their gear with them, but on just any general every day
7 protest they aren't utilized.

8 **Q And who makes that determination whether or**
9 **not the CDT is going to be utilized at any given protest?**

10 A I don't know if there is an answer for that or
11 not. Like I said, my previous position I guess it probably
12 would have been at the lieutenant-colonel or higher with
13 the chief, but that's kind of one of those things that you
14 just kind of play it by ear depending on who is monitoring
15 the crowd and what they expect and see the potential to
16 happen, something going further.

17 **Q All right. Where -- Is it possible to have a**
18 **protest in the City of St. Louis without breaking the law?**

19 A Yes.

20 **Q Where can -- Where can someone have a protest**
21 **without breaking the law in the city?**

22 A I guess again that would kind of depend on the
23 location. I mean, there is nothing against people --
24 obviously you can be on the sidewalks or any type of public
25 property. So obviously locations like that you wouldn't be

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1 breaking the law in any manner just to gather in numbers
2 and protest whatever you are upset about.

3 Q You said sidewalks and did you say streets,
4 public --

5 A Any other public property.

6 Q What about streets, protesting on the streets?

7 A I mean, if you're protesting in the street, I
8 mean, I think it would be kind of hard to argue that
9 technically is there -- and this is prior to anything that
10 has come out since last year when we did with this protest,
11 but you are technically impeding the flow of traffic,
12 depending on if there is traffic in that area. So I mean,
13 it's kind of one of those things where you allow; however,
14 I mean, is there a technical violation of a law, yes.

15 Q Isn't there also an ordinance about impeding
16 flow of pedestrian traffic on the sidewalk?

17 A Yes. You know, so it could also --
18 anywhere -- you can protest anywhere, but I mean, yes, as
19 long as you're not violating an established law, you know,
20 infringing upon any other type of law, I think it's one of
21 those things that it has been allowed and it's not
22 something that is really enforced too much. But is it a
23 technical violation of an ordinance? Yes.

24 Q And I understand you are not responsible for
25 writing the ordinances, but is there -- Are you aware of

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1 any way for anyone who wanted to have a protest in the City
2 of St. Louis to get a permit to allow them to be on the
3 sidewalk in a way that might impede pedestrian traffic or
4 to be in the street that in a way that might impede
5 vehicular traffic?

6 A Yes. Yes. I don't know what that procedure
7 is to obtain a permit. I know that is done by some and not
8 others. We have zero to do with that vetting process on
9 who gets a permit and who doesn't.

10 Q How do you -- Have you ever had to decide as a
11 police officer yourself whether, let's say, they protest on
12 a sidewalk -- as a technical violation has become illegal
13 and needs to end or on the street, the same question, have
14 you ever been in a position of making that decision?

15 A No. No. In my previous positions I wasn't
16 making -- I mean, even as a sergeant, I wasn't making any
17 decisions. I was more so observing and advising higher of
18 what I was observing and then let them make the
19 determination as to how they wanted to move forward.

20 Q Okay. In addition to this infringing traffic
21 issue on sidewalks or streets, can protests -- have they in
22 your experience sometimes run afoul of the unlawful
23 assembly ordinance in the city?

24 A Yes. You know, not all of them are peaceful.
25 Obviously when it gets to the point of any type of physical

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1 altercation or contact with officers that might be out
2 there or obviously once they move higher than that to the
3 point that things are being thrown, that would fall under
4 that, an unlawful assembly.

5 **Q What's your understanding -- You have probably**
6 **already answered this. What's your understanding of what**
7 **constitutes an unlawful assembly in the City of St. Louis?**

8 A Well, I guess what it is and how it's kind of
9 been used might be kind of two different things. We have
10 been advised in the past to once say if you have -- there
11 has been a group that has occupied a street for X amount of
12 time and it's been deemed they no longer want them in this
13 area where it's time like, say, technically, we are already
14 in as far as we're not blocking traffic for them to
15 exercise their rights, then they are obviously violated by
16 impeding the flow of traffic, and if that group has been
17 advised via PA system or something that to leave the area
18 or move out of the street and to the sidewalk and they
19 refuse to, then we have been advised in the past to declare
20 that unlawful assembly and advise them that it's now time
21 to leave that area.

22 **Q Okay. Have you ever been in the position of**
23 **declaring something an unlawful assembly yourself?**

24 A I have given the verbal order before after
25 receiving orders from above to give that order.

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1 MR. ROTHERT: Can we take a break for a
2 moment?

3 (Whereupon, a short break was taken.)

4 Q (By Mr. Rothert) Is part of civil disobedience
5 training defining civil disobedience? Is that something
6 that happens in the class?

7 A Yes.

8 Q And you actually teach that class; right?

9 A Yes.

10 Q So most of these officers would probably have
11 learned that from you?

12 A Myself or Sergeant Rossomanno at some point.
13 But, yeah, it's covered in the class reports.

14 Q Are you the two people that teach that?

15 A It's just me now primarily. At the time, yes,
16 it would have been both of us.

17 Q Thinking back to September 17, 2017, it was a
18 Sunday. Do you remember that day at all?

19 A Yes.

20 Q You were working that date?

21 A Yes.

22 Q Do you remember what hours you worked that
23 day?

24 A All of them. That would probably be the best
25 way to sum it up. Yeah. I couldn't even tell you.

1 Q That evening you were working in the
2 evening --

3 A Uh-huh (yes).

4 Q -- hours? You were Downtown?

5 A Uh-huh (yes).

6 Q Is that correct?

7 A Yes.

8 Q And when we talk about Downtown, if I say
9 Downtown, what does that mean to you geographically?

10 A Never thought about that. I don't know. I
11 don't know. I guess it would be -- You mean in terms of
12 street boundaries?

13 Q Yes, generally. I just want to make sure that
14 we're talking about the same thing, and we have a common
15 understanding of what we're talking about. I'm not trying
16 to quiz you on that.

17 A I would say our immediate area now, probably
18 anywhere between a few miles of the riverfront.

19 Q Were any of the streets that evening, were any
20 of the streets Downtown blocked off to vehicular traffic?

21 A The only thing I can recall was I believe
22 there were some chairs set up on Olive in front of the
23 library for some of -- either took place or was taking
24 place the next day. That's the only thing that I can
25 recall anything being blocked off, and I don't even recall

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1 if it was the entire street or not.

2 Q That evening did there come a time when
3 someone declared an unlawful assembly that you're aware of?

4 A Yes. I don't recall exact point. It would
5 have been at some point after the group -- some point after
6 the damage that was occurring down in the Downtown area.
7 It was some point after that.

8 Q Do you recall approximately how many people
9 were in the Downtown area on the streets and sidewalks that
10 evening?

11 A No, and it would depend at what point because
12 there was -- there was the initial protest, march, that was
13 kind of going on throughout Downtown. I mean, I would say
14 there were maybe a couple hundred. That's just a
15 guesstimate of the initial march.

16 Q And let's talk just about the initial march.
17 Do you know -- Did that begin at the police headquarters or
18 do you know where?

19 A I don't recall. I know that is where it
20 ended.

21 Q It ended at the police headquarters?

22 A Yes.

23 Q And do you know where it started or how it got
24 there?

25 A Yeah, I don't recall exactly where it started.

1 Yeah. I can't recall exactly where it began.

2 Q Do you know approximately how long it was in
3 terms of distance or time or both?

4 A I don't recall, but I know it lasted for quite
5 a bit where they marched throughout the Downtown area.
6 Maybe it started at Kiener Plaza. I can't recall, but I
7 know it lasted for quite a bit and then it ended on 20th
8 Street.

9 Q And Olive?

10 A And Olive, yes.

11 Q I know you don't know exactly how long it was,
12 but it was more than a number; correct?

13 A I would say so.

14 Q Okay.

15 A I know we were -- because I'm pretty sure that
16 I was in my vehicle. I know we were driving around kind of
17 observing for quite some time.

18 Q And you think there were a couple hundred
19 people involved in that march?

20 A I'm just guessing, yes.

21 Q More than a hundred, though?

22 A I would say so, yeah.

23 Q And did that march take place on streets or
24 sidewalks?

25 A Streets.

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1 Q Streets. And do you know if anyone had a
2 permit for that march?

3 A I don't know, but I doubt it.

4 Q And did that march obstruct or impede traffic?

5 A I believe it did initially, but I want to
6 say -- Now again, I'm not a hundred percent sure because we
7 were -- there was some inconsistencies depending on who was
8 in charge that night on how it was handled, but I want to
9 say that particular night we might have blocked, knowing
10 that it was going to occur, I think we might have already
11 had vehicles in place to kind of just fleet and follow.
12 Obviously we didn't know 100 percent. There would probably
13 be more people following them because we didn't know what
14 their route was going to be. I am assuming we probably had
15 vehicles in place to block traffic that night. Again, I'm
16 not a hundred percent sure. Depending on who was in
17 charge, they would make that decision on whether or not
18 that is what we were going to do that night or not that
19 night.

20 Q And would it be easier, and just your
21 experience as police officer, wouldn't it be easier if
22 protesters that were going to use streets or sidewalks had
23 permits?

24 A Yes.

25 Q Would it be easier if there was like specific

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1 **places and times when you knew people were allowed to be?**

2 A Yes. That would obviously be easier, yes.

3 **Q Easier for the police?**

4 A Yes.

5 **Q Do you recall approximately what time that**
6 **evening that that initial protest/march ended?**

7 A It was already dark. I would say maybe around
8 8:00 p.m., but I'm not a hundred percent sure, and I know
9 there's tons of tape and footage. They can pinpoint the
10 exact times, but I'm not exactly sure.

11 **Q In all of those other cases where you get to**
12 **be a defendant, you'll probably -- those details will**
13 **probably really matter. We're talking more about general**
14 **policies here. So you know, I'm just looking for**
15 **approximately. So what happened after -- How did that**
16 **protest end? Was it organic? Was it just people left or**
17 **did the police --**

18 A No, the unofficial leaders of the protest
19 pretty much said that they were done, like their part of
20 that -- of their marching and everything was over, and some
21 people started to dissipate. But it was while that
22 breaking down of that group was occurring, then another
23 group kind of started to gather in front of headquarters,
24 but in the -- still in the midst of the entire group kind
25 of slowly breaking up, and I would say within 20 or 30

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1 minutes it was when that group that kind of broke off
2 started marching on their own east on Olive.

3 **Q And you mentioned earlier there was some**
4 **damage that night. Was that around 9th and Olive?**

5 A There were a few locations, but I know it all
6 started after the group crossed over Tucker.

7 **Q Okay.**

8 A So once they moved past Tucker heading
9 eastbound, I think there was a few locations in that area
10 where they started to damage property.

11 **Q Okay. How big would you guess or as best you**
12 **can remember is this other group that you're talking about**
13 **that breaks off and goes and does the damage?**

14 A I would say probably less than -- definitely
15 less than a hundred. Maybe 50 to 80 I think initially,
16 somewhere in there, if even that many. I'm not sure. It
17 was -- I kind of just watched. I saw them initially from
18 the side when they were still breaking off from the other
19 group, and then I was kind of maneuvering around trying to
20 keep up with them as they were walking. So I would say
21 probably more than 50.

22 **Q And there were other groups beyond just we**
23 **call another group, but this 50 to 80, there were other**
24 **groups as well, weren't there --**

25 A No.

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1 **Q -- who were Downtown?**

2 A I mean, that were -- Like I said, there was
3 the main protest and then there was that group broke off
4 and started going and, then prior to them getting to
5 Tucker, that area where I said the chairs were set up, I
6 think they started throwing some of those chairs out into
7 the street. Whether any of those were damaged, I don't
8 know. But I know property was getting damaged. Business
9 property was getting damaged once they crossed over Tucker.

10 **Q How many people are there on a typical evening**
11 **at 8:00 p.m. Downtown just on the streets walking around?**

12 A It depends on what part. I mean, if we're
13 talking Washington, then there's probably a good amount out
14 there or maybe it -- there is different pockets so it kind
15 of depends. I would say foot traffic on Tucker probably
16 was minimal other than that group, but it kind of depends
17 on what location you're talking about in the Downtown area.

18 **Q So about -- I mean, if we were squaring**
19 **Washington and Olive and between 9th, and where's the**
20 **library, 14th?**

21 A Yeah.

22 **Q 9th and 14th, in that kind of region, is that**
23 **in an area where there are consistently pedestrians around**
24 **on a Sunday evening or would that be normal?**

25 A No. There is not normally that much foot

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1 traffic in that immediate area.

2 Q There came a time around 10:50 that evening
3 that someone declared -- someone declared an unlawful
4 assembly; is that right?

5 A Uh-huh (yes).

6 Q Do you know --

7 MR. DIERKER: You need to answer yes.

8 A Oh, yes. I was drinking. Yes.

9 Q (By Mr. Rothert) All right. Do you know who
10 declared that unlawful assembly?

11 A I believe -- I believe Sergeant Rossomanno was
12 advised to declare unlawful assembly at one point. This
13 was after the damage to the property. I don't recall if it
14 was at the 10:50 time frame, but at some point I know once
15 the group -- the group was damaging property and then as
16 officers started responding to that area, I know there was
17 some -- there were a few foot pursuits trying to take
18 people into custody. So that initial group that was
19 damaging property kind of -- everybody kind of went in
20 separate directions and dissipated. They all eventually
21 kind of started to gather again at Washington and Tucker
22 and Tucker and St. Charles area. So it was sometime after
23 that, after that group started to kind of regroup again in
24 that area that an order of unlawful assembly was given.

25 Q And Tucker and St. Charles, was that your

1 staging area that night?

2 A No.

3 Q Do you know if that unlawful assembly that you
4 heard Sergeant Rossomanno announce, was that the only time
5 an unlawful assembly was declared that night as far as you
6 know or were there others?

7 A I believe that was the first that evening, I
8 believe.

9 Q Do you know who can declare an unlawful
10 assembly? Can any police officer declare that?

11 A The actual verbiage of it?

12 Q Who can decide that the assembly has become
13 unlawful and people need to leave or be arrested?

14 A That was generally whoever the incident
15 commander was that evening. So normally that was a major
16 or lieutenant colonel rank that generally made that call.
17 Nobody made that without any -- without any approval from
18 higher.

19 Q From higher than --

20 A Like at the sergeant level, we weren't making
21 that. We weren't just out there saying that on our own,
22 right.

23 Q What about lieutenants, could lieutenants do
24 that?

25 A I believe they could have at the time, but I'm

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1 only assuming that they probably also had gotten some prior
2 approval. But I believe the lieutenant could have.

3 **Q Were people taken into custody for destroying**
4 **property or property damage that evening?**

5 A I'm not sure. I know a few people were taken
6 into custody. I can't recall or I have no knowledge on
7 whether or not they were able to -- those that might have
8 been taken into custody were directly linked to the damaged
9 property. I'm not sure.

10 **Q Do you know what Luther Hall was taken into**
11 **custody for?**

12 A I do not.

13 **Q By the time -- So Sergeant Rossomanno is the**
14 **one who gave the -- made the announcement that the assembly**
15 **was unlawful and that people needed to leave?**

16 A Correct.

17 **Q But it's your understanding that someone else**
18 **gave him the order to do that?**

19 A Yes.

20 **Q You also told people that they should leave?**

21 A Yes.

22 **Q Correct?**

23 A There was numerous verbal conversations with
24 either people that I just know from dealing with a lot of
25 protesters or some that I didn't, but, yes, I made numerous

1 attempts to kind of advise them, hey, it's time to leave
2 the area.

3 **Q When you -- In this situation or when**
4 **someone -- people are being ordered to disperse because of**
5 **an unlawful assembly, what does leaving the area mean to**
6 **you? The area, what does that mean to you?**

7 A I would say that, and this is not as specified
8 as it needs to be, but the main point here is for them
9 to -- for that group to break up and disperse and then not
10 to recongregate a block away, you know. That means it's
11 time for everybody to go their separate ways. Obviously
12 we're not telling people they have to go home or anything,
13 but the group needs to break up and needs to leave that
14 immediate area separately, individually.

15 **Q So if they want to recongregate in Kirkwood,**
16 **that's leaving the area; right?**

17 A Right. The point is to not recongregate and
18 not be engaged in the same activity that you were given an
19 order to disperse to begin with.

20 **Q So that sounds completely reasonable. How do**
21 **you know that? How do you know that that's -- Is there a**
22 **policy or a training you have received or is that just**
23 **based on your experience?**

24 A I would say some of all of that. The training
25 that I received as well as that's part of that where you

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1 would -- as part of the giving them a time frame to leave
2 that area, direction to leave that area and to disperse
3 and, so, yeah, I would probably say partly training, partly
4 from experience.

5 **Q Did you personally witness any damage to**
6 **property or violence that evening?**

7 A From the position that I was following them or
8 trying to parallel that group in my vehicle, I heard the
9 damage. I saw the damage afterwards. I don't recall
10 actually ever seeing like a particular person doing some
11 damage. Again, I was kind of tailing and kind of trailing
12 the group. So I just kind of saw the aftermath and heard
13 glass being broken out and heard people kicking at stuff or
14 trying to hit it, but I never actually saw.

15 **Q When you say the group, you're talking**
16 **about -- This is the --**

17 A The initial splinter group that broke off.

18 **Q The splinter group?**

19 A Right. Right.

20 **Q The almost last thing that I want to talk to**
21 **you about is chemical agents. If I say what chemical**
22 **agents do you use as a police officer, I mean police**
23 **officer generically and not as the entry level just after**
24 **probation, what does that mean to you? Chemical agents,**
25 **what's your understanding?**

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1 A That could be anything from as basic as the
2 pepper spray, the handheld that is used that every officer
3 has, up and to actual handheld or fired munitions.

4 Q And are there any policies that govern how you
5 use?

6 A Yes.

7 Q Do you know what those policies are?

8 A I don't know the exact ones off the top of my
9 head.

10 Q That's fine. Is there a separate policy
11 regarding the use of deployment or the use or deployment of
12 chemical agents for crowd dispersal rather than as a use of
13 non deadly force?

14 A There is -- It's covered under the use of
15 force policy. There is also a policy that covers use of
16 any type of chemical munitions. I believe it is also in
17 the special order that involves civil disobedience, which
18 is completely being reworked now, but I believe it's in
19 there as well.

20 Q Is there a difference in your understanding
21 between mace and pepper spray?

22 A Not a hundred percent my area of expertise,
23 but yes. I mean, there is a difference in the -- there is
24 a difference in like between like OC spray and CS gas. I
25 mean, the -- the delivery method also was somewhat

1 different in terms of the actual handheld canister mace,
2 the larger handheld foggers that are used and then
3 obviously up to the handheld throwing or fired canisters.

4 **Q Have you in the last year and a half had**
5 **occasion to use chemical munitions yourself?**

6 A I have never -- Well, no, I did. I think I --
7 At some point during to stop protests I think I might
8 have -- I might have thrown one canister. I can't remember
9 if it was the night of -- the night of the 15th. I think
10 it might have been around the mayor's house and then all of
11 that Central West End protests. But other than that, no, I
12 have never -- I have never deployed or never fired like any
13 of the handheld foggers or any personal mace.

14 **Q That events that you are talking about, the**
15 **mayor's house, that would have been Friday, September 15th?**

16 A Correct.

17 **Q That was the day of the verdict?**

18 A Correct.

19 **Q That long day?**

20 A Yes.

21 **Q What's your understanding under department**
22 **policies of whether you have to give any kind of warning to**
23 **someone before you use handheld mace or pepper sprays or**
24 **any of those handheld chemical agents?**

25 A In protest situation, then yes. If it's a

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1 general area, I mean, if it's a group and we're addressing
2 that in something that might be deployed into a group, then
3 a command has to be given stating that it might reach that
4 point where the use of chemical munitions might be used.
5 Now just at a normal patrol level or even at a protest
6 level where there is an immediate person that needs to get
7 addressed, there isn't a verbal warning that has to be
8 given, if again -- and that is more an individual --

9 Q Right. I don't --

10 A Individual situation.

11 Q I don't want to get too hypothetical with you
12 here. Have there been any situations, I mean, not in the
13 last year and a half apparently, but where you have to use
14 a handheld pepper spray or mace without giving any warning?

15 A Me personally?

16 Q Yes.

17 A No, I have never used mace or any handheld
18 anything as long as I have been a police officer.

19 Q Okay.

20 A I just never have had a need to.

21 Q Okay. Have you seen other police officers use
22 handheld mace or pepper sprays?

23 A Yes.

24 Q Did you see any other police officers using
25 handheld mace or pepper spray during that period of those

1 **Stockley protests?**

2 A Yes.

3 Q Did you see anyone, any police officer use
4 **handheld mace or pepper spray unnecessarily?**

5 A Yes.

6 Q Just thinking back to that -- the whole
7 **handling of those protests, and completely with the benefit**
8 **of hindsight going forward, if we knew another verdict was**
9 **coming today, a similar thing, that it was going to be a**
10 **similar protest and you're charged with teaching a class on**
11 **civil disobedience and responding to protests, is there**
12 **anything that you based on your experience would recommend**
13 **that the police department do differently than what was**
14 **done a year ago?**

15 A Yes. I'm actually in the process now of
16 completely revamping it in our response to protests. You
17 know there was some things that went right, but there were
18 a lot of things that could have been done better or
19 differently. So that is a process I have already started
20 since this all -- since last fall. So I mean, I have
21 taught some classes at our academy. I have taught some
22 classes at some outside agencies already just discussing
23 basically actually review, going over the things that need
24 to be done better to include the use of chemical munitions,
25 when and when not to use force, things of that nature. And

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1 also all the other -- I guess attitude or behavioral issues
2 that might surround how officers surround them or carry and
3 conduct themselves during these incidents. So I mean, like
4 I said, that is something that I have already been doing
5 anyway and so, yeah. In the future our response is going
6 to be improved upon compared to how things went last year.

7 **Q Is it -- I'll ask you this personally first**
8 **and then ask if you think other officers have similar**
9 **experiences based on what you have heard. Is it hard --**
10 **harder to be a police officer at a protest when it's the**
11 **police who are being protested?**

12 **A** For me, no. I mean, I really -- How can I put
13 this? Right is right and wrong is wrong, you know, and
14 that is how I approach, you know. I'm one of the few
15 individuals that is out there actually interacting and
16 having conversations with those that are protesting. So
17 it's a little bit different for me than it is the average
18 officer that would just be out there standing on the line
19 because it's just way more interaction on my part. So as
20 far as it being harder, I try not to -- I will get into
21 some individual conversations as to the facts of a certain
22 case depending on who the individual is, if they are
23 willing to have a good conversation about it. And others I
24 just deal with, I don't get into the weeds about the facts
25 of the case. I just deal strictly with how can we make it

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1 through this day right now, how can we make it through this
2 incident that we're dealing with right now peacefully, you
3 know, where you feel that your rights are being infringed
4 upon saying your piece about how you feel and then, you
5 know, officers allowing you to do that and there is no
6 violent activity or whatever between either group. So it
7 kind of depends on who I'm dealing with.

8 **Q For other officers do you think it's harder?**

9 A It is.

10 **Q There's a policy about people recording police**
11 **activity; is that correct?**

12 A Yes. I didn't really brush up on it before
13 coming here. But I mean, basically people are allowed to
14 record our activity. There is nothing against that.

15 **Q Have you ever seen or known of police officers**
16 **in St. Louis Metropolitan Police Department destroying or**
17 **deleting videos or recordings that are being made of them?**

18 A I have never physically -- I have never seen
19 anything myself firsthand. I have heard of incidents that
20 might have occurred, in particular I guess you know, with
21 the Luther Hall situation, but I don't know of any. I have
22 never physically seen anything myself.

23 **Q Okay. Is there training, is that a policy**
24 **that you were talking about, that there is the right to do**
25 **this? Is that something that police officers receive**

1 **training on at the St. Louis Metropolitan Police**
2 **Department?**

3 A That would be something that would be like on
4 that PAS system, that would need to be reviewed and signed
5 off on that you acknowledge, that you know the policy.

6 Q **And would that come through PAS like how**
7 **often? How often that you have to review and understand**
8 **that?**

9 A I'm not sure. Someone else kind of --

10 Q **Someone else's job?**

11 A Makes that call on how often things are put
12 through that system.

13 Q **Do you know who it is that makes that call?**

14 A I'm not exactly sure what department that
15 would be. Maybe planning, it might be planning and
16 development, but I'm not a hundred percent sure.

17 Q **All right. Was there an after -- I think you**
18 **mentioned an after action review after the protest that we**
19 **have been talking about. Did one occur?**

20 A There were several verbal ones we did conduct
21 with the command staff, we did a few that were broken down
22 into, you know, the 15th, 17th, and I think it might have
23 addressed another night or so. So there were a few formal
24 ones where we discussed what occurred and then what could
25 be done better and moving forward, yes.

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1 Q That evening of the 17th, was aviation out
2 that night, if you know?

3 A I would assume they would be, but I'm not a
4 hundred percent sure.

5 Q And I did ask you that night if you had seen
6 violence or property damage and you told me about property
7 damage, but I'm not sure I got an answer on violence. Was
8 there any violence, physical violence, that night that you
9 saw or were aware of?

10 A There was no -- No. There was no like
11 interaction between officers or anything until the arrest
12 situation. But again, no, I just heard there was just
13 property damage prior to that.

14 MR. ROTHERT: Okay. Could we just have a
15 minute, please?

16 (Whereupon, a short break was taken.)

17 Q (By Mr. Rothert) Earlier I had asked you if
18 you had ever been a defendant in a civil case other than
19 the ones regarding this protest. Do you now remember
20 having ever been a defendant in a case 10 years ago?

21 A Yes. A prior civil case regarding a personal
22 issue with a vehicle.

23 Q And finally you mentioned that a couple of
24 times you have made reference to command staff and command
25 staff doing an after incident review. What constitutes

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1 **command staff? Is that certain ranks above or certain**
2 **people or what do you mean by command staff?**

3 A Generally I would say -- I believe it's like
4 lieutenant colonels and above, depending on their
5 importance. It might be various other ranks of command
6 depending on if they needed to be -- if it applied to them,
7 you know. Again, myself even as a sergeant I was in the
8 meetings and helping and assisting conducting these
9 meetings because we did the actual presentation part.

10 MR. ROTHERT: I have no further questions.

11 EXAMINATION

12 QUESTIONS BY MR. DIERKER:

13 Q Lieutenant, I hope that we can keep it brief.
14 I want to try to follow in Mr. Rothert's footsteps. But
15 you mentioned the timing with regard to the verdict in the
16 Stockley case being handed down and the police department
17 was expecting some notice; correct?

18 A Yes.

19 Q And you did not in fact get the amount of
20 notice you were anticipating; is that correct?

21 A Correct.

22 Q Now, in the time prior to the announcement of
23 the verdict, were you aware of any intelligence that had
24 been accumulated by the police department regarding the
25 likelihood of protests in the event of a verdict of not

1 **guilty?**

2 A There were -- On social media there were -- I
3 know there were different posts and tweets and such that
4 were out there. I mean, it was also our intel was probably
5 gathering that information. A lot of it was just kind of
6 public knowledge that was out that was on social media,
7 people stating that if a verdict went a certain way then
8 there would be protests. So that would have probably been
9 it. That was kind of put out there already.

10 **Q Is it safe to say that when the police**
11 **department anticipates public protests over any issue, that**
12 **the department attempts to be ready for anything?**

13 A Yes.

14 **Q And is it safe to say that if -- I take it you**
15 **have read published reports about what happened in**
16 **Charlottesville, Virginia; is that fair to say?**

17 A Yes.

18 **Q Are you aware?**

19 A Yes.

20 **Q That's the kind of thing that your current**
21 **mission would embrace planning for; is that fair to say?**

22 A Correct.

23 **Q Okay. So if the Neo-Nazis expected to show up**
24 **in St. Louis in the near future, would you anticipate that**
25 **the police department would prepare for that?**

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1 A Yes.

2 Q With regard to unlawful assemblies, are you
3 aware that there is a state law on that subject as well as
4 a city ordinance?

5 A Correct.

6 Q With regard to enforcement of traffic laws or
7 any laws for that matter, is the department -- does the
8 department train officers in the concept of probable cause?

9 A Yes.

10 Q And does the name Templeton mean anything to
11 you?

12 A Yes. I'm not as well versed on the -- on
13 everything involved with that case, but I know.

14 Q Mr. Rothert may be better versed on it than I
15 am. I'm not sure. But in any event, are you aware that
16 when a temporary restraining order was entered in that case
17 that the department circulated a text of that order as part
18 of a special order or an amendment to a special order and
19 this admittedly would be back in January of '15?

20 A Yeah. I'm not a hundred percent sure if I
21 recall it being implemented in a special order or special
22 order being updated as a result of that.

23 Q Well, I don't want to clutter up Mr. Rothert's
24 deposition. I'm alluding to the documents, the Baumgartner
25 declaration, that was previously filed in the case, so you

1 know what I'm talking about Mr. Rothert. Well, sufficed to
2 say when a court enters an order that affects police
3 department operations, is it your understanding that that
4 information is provided to police officers?

5 A Yes.

6 Q Have you ever seen an individual violating a
7 traffic offense where traffic laws were elected not to
8 issue a citation or arrest him?

9 A Yes.

10 MR. DIERKER: I have nothing further.

11 MR. ROTHERT: You have the option to review
12 and sign this deposition or waive your signature.

13 MR. DIERKER: We will review it and sign.

14

15 (Deposition was adjourned at 11:30 a.m.)

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CERTIFICATE OF REPORTER

I, Jamie Jo Kinder, CCR No. 842, CSR No. 084.003306, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Certified Court Reporter

1 ALARIS LITIGATION SERVICES

2 January 3, 2019

3 Ms. Abby Duncan
4 St. Louis City Counselor's Office
5 1200 Market, City Hall, Room 314
6 St. Louis, MO 63103

7 IN RE: MALEEHA AHMAD, et al. v. CITY OF ST. LOUIS,
8 MISSOURI

9 Dear Ms. Duncan,

10 Please find enclosed your copies of the deposition of
11 RANDY JEMERSON taken on December 19, 2018 in the
12 above-referenced case. Also enclosed is the original
13 signature page and errata sheets.

14 Please have the witness read your copy of the
15 transcript, indicate any changes and/or corrections
16 desired on the errata sheets, and sign the signature
17 page before a notary public.

18 Please return the errata sheets and notarized
19 signature page within 30 days to our office at 711 N
20 11th Street, St. Louis, MO 63101 for filing.

21 Sincerely,

22

23 Jamie Jo Kinder, CCR, CSR

24

25 63623

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1 ERRATA SHEET
2 Witness Name: RANDY JEMERSON
3 Case Name: MALEEHA AHMAD, et al. v. CITY OF ST. LOUIS,
4 MISSOURI
5 Date Taken: DECEMBER 19, 2018
6
7 Page #_____ Line #_____
8 Should read: _____
9 Reason for change: _____
10
11 Page #_____ Line #_____
12 Should read: _____
13 Reason for change: _____
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15 Page #_____ Line #_____
16 Should read: _____
17 Reason for change: _____
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19 Page #_____ Line #_____
20 Should read: _____
21 Reason for change: _____
22
23 Page #_____ Line #_____
24 Should read: _____
25 Reason for change: _____
26
27 Witness Signature: _____

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1 STATE OF _____)

2

3 COUNTY OF _____)

4

5 I, RANDY JEMERSON, do hereby certify:

6 That I have read the foregoing deposition;

7 That I have made such changes in form

8 and/or substance to the within deposition as might

9 be necessary to render the same true and correct;

10 That having made such changes thereon, I

11 hereby subscribe my name to the deposition.

12 I declare under penalty of perjury that the

13 foregoing is true and correct.

14 Executed this _____ day of _____,

15 20____, at _____.

16

17

18

19

20

RANDY JEMERSON

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22

23

NOTARY PUBLIC

24 My Commission Expires:

25

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